

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BD-0055  
(Inmate Number)

CLAUDE NOLAN, JR.  
(Name of Plaintiff)

1 KELLEY DR.  
(Address of Plaintiff)

COAL TOWNSHIP, PA. 17866-1021

**vs.**

JOHN DUNN,  
KANDIS K. DASCANI,  
FRANK D. GILLIS,  
JEFFREY A. BEARD  
(Names of Defendants)

**4 CV-03-0502**

(Case Number)

**COMPLAINT**

**FILED  
SCRANTON**

MAR 21 2003

PER *[Signature]*  
DEPUTY CLERK

TO BE FILED UNDER: XX 42 U.S.C. § 1983 - STATE OFFICIALS  
\_\_\_\_\_ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

**I. Previous Lawsuits**

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

(NONE)

**II. Exhaustion of Administrative Remedies**

- A. Is there a grievance procedure available at your institution?  
XX Yes \_\_\_\_\_ No
- B. Have you filed a grievance concerning the facts relating to this complaint?  
XX Yes \_\_\_\_\_ No

If your answer is no, explain why not N/A

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the name, positions and places of employment of any additional defendants.)

A. Defendant MR. JOHN DUNN is employed  
as COUNSELOR at S.C.I. COAL TOWNSHIP  
1 KELLEY DR. COAL TOWNSHIP, PA.

B. Additional defendants MS. KANDIS K. DASCANI, GRIEVANCE COORDINATOR,  
MR. FRANK D. GILLIS, SUPERINTENDENT, S.C.I. COAL TOWNSHIP,  
1 KELLEY DRIVE, COAL TOWNSHIP, PA. 17866-1021  
MR. JEFFREY A. BEARD, SECRETARY OF CORRECTIONS, P.O. BOX 598  
CAMP HILL, PA. 17001-0598

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. ON OR ABOUT JUNE OF 2001 I WAS INFORMED BY MR. JOHN DUNN THAT I WOULD NOT RECEIVE A FAVORABLE RECOMMENDATION FOR PAROLE IN RETALIATION FOR ME EXERCISING MY RIGHT TO NOT MAKE A STATEMENT ABOUT MY LEGAL MATTERS AND FOR MAINTAINING MY INNOCENCE OF IT. MR. JOHN DUNN REFUSED TO GIVE ME THE NAMES OF THOSE WHO ACTED IN SUCH RETALIATION IN A EFFORT TO INTERFERE WITH MY ACCESS IN THE PERFORMANCE OF HIS JOB AND OUT OF THE PERFORMANCE OF HIS JOB HE IS IN CONTINUANCE OF THE SAME CONDUCT OF RETALIATION.
2. ON OR ABOUT JULY 19, 2001 I FILED A GRIEVANCE WITH MS. KANDIS-K. DASCANI, GRIEVANCE NO. COA-0609-01, STATING THAT I HAVE BEEN RETALIATED AGAINST FOR EXERCISING MY RIGHTS TO REMAIN SILENT ABOUT MY LEGAL MATTERS AND MAINTAINING MY INNOCENCE. MS. DASCANI IN THE PERFORMANCE OF HER JOB AND OUT OF THE REFUSED TO INVESTIGATE MY GRIEVANCE AND STATED IT WAS NOT S SPECIFIC ENOUGH FOR HER TO MOVE ON IT AND THAT I HAD TO IDENTIFY THE STAFF MEMBER WHILE KNOWING I WOULD NOT BE GIVEN THAT STAFF MEMBERS NAME BY MR. JOHN DUNN.
3. ON OR ABOUT AUGUST 7, 2001 I APPEALED THIS MATTER TO MR. FRANK D. GILLIS. HE DENIED MY APPEAL ON AUGUST 16, 2001 AND STATED THAT MY GRIEVANCE WAS TO VAGUE AND UPHELD THE STAFF MEMBER WHO RETALIATED AGAINST ME CONDUCT FOR ME MAINTAINING MY INNOCENCE AND ALSO IN THE PERFORMANCE AND OUT OF THE PERFORMANCE OF HIS JOB THAT I WOULD NOT BE GIVEN THE NAMES OF SUCH STAFF MEMBERS.

( SEE NEXT PAGE )

**PAGE 2--CONTINUED**

**4.**

ON OR ABOUT JULY 30, 2001 I FILED AN APPEAL WITH MR. JEFFREY A. BEARD'S OFFICE IN THE OFFICE OF INMATE GRIEVANCE AND APPEALS BY WAY OF HIS AGENT. I FILED AN ADDITIONAL APPEAL ON OR ABOUT AUGUST 23, 2001 AND MY APPEAL WAS DENIED ANY FURTHER ON AUGUST 30, 2001 BY MR. BEARD'S AGENT WITH REGARDS TO THE CONDUCT OF RETALIATION OF A STAFF MEMBER IN CONSIDERATION FOR A FAVORABLE RECOMMENDATION FOR PAROLE BY RETALIATING AGAINST ME FOR MAINTAINING MY INNOCENCE TO MY CRIMINAL MATTER AND NOT MAKING TESTIMONIAL CONFESSION ABOUT MY LEGAL MATTERS CAUSING THE PAROLE BOARD TO DENY ME PAROLE AND CAUSING ME FURTHER INCARCERATION. ALL DEFENDANTS VIOLATING PLAINTIFF'S CONSTITUTIONAL RIGHTS UNDER THE 14th. 5th. & 1st. AMENDMENTS IN RIGHTS TO DUE PROCESS AND RIGHTS TO REMAIN SILENT AND RIGHTS ACCESS TO THE COURTS NOT TO BE INFRINGED UPON.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. A declaratory judgment that the Defendant's Acts  
Policies and Practices described herein violate  
Plaintiff's rights under the United States Constitution

2. A preliminary and permanent Injunction which:

( SEE: CONTINUED ON NEXT PAGE )

3. Compensatory Damages in the amount of \$50,000.00  
from each Defendant.  
Punitive Damages in the amount of \$50,000.00 from each defendant.  
Trial by Jury on all issues triable by jury.  
Plaintiff's Cost of this Suit.  
Such other end further relief as this Court may deem just,  
- proper and equitable.

Signed this 17<sup>th</sup> day of MARCH, 2003

Claude Nolan, Jr.  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

3/17/03  
(Date)

Claude Nolan, Jr.  
(Signature of Plaintiff)

**PAGE 3. CONTINUED**

**3. A PRELIMINARY AND PERMANENT INJUNCTION WHICH:**

(a). Prohibit defendants, their agents, employees, successors in interest and all other persons in active concert or participation with them, from harassing, threatening, punishing or retaliating in any way against the Plaintiff because he filed this action or against any other prisoners because they submitted affidavits in this case on behalf of Plaintiff, or from transferring Plaintiff to any other institution, without his express consent, during the pendency of this action.

(b). Prohibit defendants, John Dunn, Frank D. Gillis and Jeffrey A. Bread, their agents or employees or successors in interest and all other persons in active concert from denying any favorable recommendation of this Defendant for Parole or anything due to him under his Status for him not wanting to talk about his legal matters, (Testimonial) at an institutional Staffing or at any other time or for maintaining his innocence regarding his legal matters and from retaliating against him for failing to do both of the before mentioned.

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS  
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

**COVER SHEET**

**THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.**

\*\*\*\*\*

The cost for filing a civil rights complaint is \$150.00.

If you do not have sufficient funds to pay the full filing fee of \$150.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

**CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.**

\*\*\*\*\*

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$150.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you **DO NOT** have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. \_\_\_\_\_

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. **X**

**Please Note:** If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

**DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS**

Mr. Claude Nolan, Jr.  
No. BD-0055  
S.C.I. Coal Township  
1 Kelley Drive  
Coal Township, Pa. 17866-1021

March 17, 2003

5  
Clerk Of Court  
United States District Court  
Middle District Of Penna.  
U.S. Post Office & Courthouse  
Screaton, Pa. 18501

RECEIVED  
SCRANTON

MAR 21 2003

PER   
DEPUTY CLERK

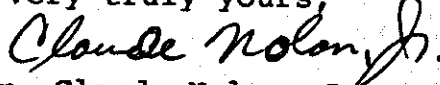
RE: Filing of 1983 Petition

Dear Sir/Madam:

Enclosed please find one copy of my 42 U.S.C. § 1983-State  
Officials, Application to proceed in Forma Pauperis,  
Authorization Form.

Thank you very much for your time and attention in this  
matter. I awaiting conformation of your acceptance.

Very truly yours,



Mr. Claude Nolan, Jr.  
NO. BD-0055  
pro se Plaintiff

cc: Filed  
C.N./me  
Certified Mail  
No. 700/0320 0004 4861 2031